

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

Case No. 1:23-cv-00853-DAE

**UNITED STATES' NOTICE REGARDING DEFENDANTS' "MOTION TO EXCLUDE
RELIEF REQUESTED BY PLAINTIFF FROM PRE-TRIAL ORDER"**

The United States provides the following notice regarding Defendants' July 3, 2024

"Motion to Exclude Relief Requested by Plaintiff From Pre-trial Order," ECF 147:

1) A scheduling order entered by the Court on March 5, 2024 (ECF 97), sets the following deadlines relevant to this notice:

- Friday, July 19, 2024: Close of discovery.
- Friday, July 26, 2024: Pre-trial filings due (proposed final pre-trial order, exhibit and witness lists, deposition designations, motions in limine, motions to exclude witnesses, and any proposed fact stipulations).
- Friday, August 2, 2024: Objections and responses to same are due.
- Trial to commence at 9 AM CT on Tuesday, August 6, 2024.

Id. at 2.

2) The Parties have filed a number of motions relating to discovery and *Daubert* motions to exclude expert testimony, which the Court referred to Judge Howell. On July 2,

2024, the Court convened a status conference at which the Parties discussed those pending motions and the timetable for briefing and a hearing if they remain unresolved. The Parties confirmed that at least three unresolved discovery and *Daubert* motions are on file and that several more are expected. The Court instructed at this conference, and in a subsequent order, that all discovery and *Daubert* motions must be fully briefed no later than July 19, under a schedule the Parties must jointly propose; that the Parties must file a joint advisory on such motions by July 22; and that such motions will be heard on July 25, 2024. ECF 145.

3) The Court also explained that “traditional motions in limine” pursuant to Local Rule 16 will be handled separately from discovery and *Daubert* motions, and that motions in limine at this time remain subject to the previously-ordered schedule for pre-trial filings and responses or objections thereto. *See* Local Civil Rule 16.f.9 (provision on motions in limine); *compare* ECF 97 (July 26, 2024 deadline for motions in limine, and August 2 deadline for responses to motions in limine).

4) Texas filed on July 3, 2024, a “Motion to Exclude Relief Requested by Plaintiff From Pre-trial Order.” ECF 147. This is neither a discovery motion, nor a *Daubert* motion, but a motion in limine. Accordingly, the United States hereby provides notice that it will file its response to ECF 147 on or before the Court-ordered deadline of Friday, August 2, 2024. Before responding, the United States also intends to further meet-and-confer with Texas regarding this motion along with other pre-trial matters unrelated to discovery and *Daubert* motions that may arise.

Respectfully submitted,

Dated: July 5, 2024

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CERTIFICATE OF SERVICE

I certify that on July 5, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system.

/s/ Brian H. Lynk
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